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REPORT NO. R00-0148

MAR 31 2000

REPORT RE:

DRAFT ORDINANCE AMENDING L.A.M.C. SECTION 52.34
RELATED TO PRIVATE PATROL SERVICES AND OFFICERS

The Honorable City Council
Public Safety Committee
Room 415, City Hall East

Attn: Brian Walters
Legislative Assistant

(Council File No. 99-0355)

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Honorable Members:

Transmitted herewith, approved as to form and legality, and pursuant to the request of the Chair of the Public Safety Committee, is a draft ordinance amending Los Angeles Municipal Code Section 52.34 by making deletions and additions to eliminate duplication and/or conflict with the California Business and Professions Code.

This draft ordinance is presently scheduled to be considered by the Board of Police Commissioners on April 4, 2000. However, it is my understanding that representatives of the private patrol industry are requesting the matter be continued so that discussions regarding further changes may occur. I will be at an Emergency Operations seminar in preparation for the Democratic National Convention during the week of April 10-14, 2000. Therefore, the next Police Commission meeting at which I could present the draft ordinance would be April 18, 2000.

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The Honorable City Council
City of Los Angeles
Page 2

If you have any questions, you may contact me at 213 485-5414.

Very truly yours,

JAMES K. HAHN, City Attorney
CECIL W. MARR, Senior Assistant City Attorney
DEBRA L. GONZALES, Deputy City Attorney

By 
DEBRA L. GONZALES
Deputy City Attorney

ORDINANCE NO. _____

An ordinance amending Section 52.34 of the Los Angeles Municipal Code related to regulation of private security services.

Sec. 52.34 PRIVATE PATROL SERVICE - REGULATIONS
(Amended by Ord. No. _____, Eff. _____.)

(a) Definitions:

For the purpose of this article, certain terms used herein are defined as follows:

(1) **Private Patrol Service.** The term “**private patrol service**” shall mean any person or association of persons, or partnership, or corporation which furnishes or purports to furnish to members, subscribers, or customers any uniformed or special street patrol officer for the purpose of affording additional security and protection of person and property or to perform any other service directly related to the “private protection of life and property”.

(2) **Special Officer. Street Patrol Officer.** The term “**special officer**” “**street patrol officer**” shall mean any person who performs for a private patrol service the duties of a uniformed guard, uniformed watchman or uniformed patrolman patrol officer or any of the duties described in subdivision (a)(1) whose primary function is patrolling from one location to another by City streets by street patrol service utilizing foot patrol, motor patrol, or other means of transportation in public areas, City streets, or public thoroughfares. This definition shall not apply to uniformed watchman watchmen, uniformed guards or uniformed caretakers employed by an entity other than a private patrol service, such as by industrial plants, department stores, community associations, or private clubs wherein said function does not require patrolling from one location to another by use of a City street, nor shall it apply to persons employed by such an entity solely in connection with the commercial, public, or professional business of such an entity.

(b) Private Patrol Services Permit.

(1) **Requirement. Permit.** It shall be unlawful to engage in the business of maintaining or operating any private patrol service in the City of Los Angeles without first obtaining a permit license as required by the State of California and a permit from the City.

(2) **Applications Requirements for Permits.** *The following requirements must be met to obtain a permit to operate, maintain and conduct a private patrol service in the City.*

A. Fee. Registration. An application for a permit to operate, maintain and conduct a private patrol service business in the City. A registration form shall be filed together with an application fee with the Permit Section of the City Clerk's Office on forms supplied by the City. In addition thereto, a separate application signed and verified by the applicant shall also be filed with the Police Commission, and said application The registration form shall be signed and verified by the registrant and shall state the name, address and organization of the private security service, its method of operation, the territory or location it proposes to serve, the names, addresses and physical description of its officers, members, associates and employees. , and such other identification and information including, but not limited to, fingerprints and recent photographs of the applicant, its officers, members, associates, and employees as may be deemed necessary by Board of Police Commissioners.

B. Surety Bond. The application for a permit for a private patrol service as required by this Article must be accompanied by a surety bond underwritten by a corporate surety admitted to do business in California, in a form approved by the City Attorney, in the sum of \$15,000 blanket coverage for each and all employees, officers, members or associates of the private patrol service. The bond shall be conditioned upon the faithful and honest conduct of the business of private patrol service by the permittee and also conditioned upon faithful compliance with this Code, each and all of the ordinances of the City and the laws of the State of California in force, or which may thereafter be adopted, relating to the business of private patrol service. The permittee and sureties named in the bond, and their successors and assigns, shall be jointly and severally liable to the City and to any person, firm or corporation for damages suffered by reason of the wrongful acts of the permittee, its officers, associates, members, or employees in breach of the conditions of the bond. The bond shall not be void upon any one or more recoveries thereunder, but may be sued and recovered upon from time to time by any person, firm or corporation aggrieved or damaged, to the extent thereof. The bond shall be reviewed to its original amount on each annual anniversary thereof. Notice of any proposed cancellation of the bond shall be sent by registered mail to the Insurance and Bonds section of the Office of the City Attorney and to the Board of Police Commissioners not less than 30 days in advance of the cancellation date.

C. B. State License Bond. Before a permit for a private patrol service is issued, the applicant shall furnish the Board of Police Commissioners with The registration form for a permit shall be accompanied by a photostatic or certified copy of his the private patrol service's State of California License and Bond evidencing that he has complied compliance with State laws relating to the business of private patrols.

D. Insurance. A private patrol service shall furnish evidence of the following insurance with the Board of Police Commissioners upon request: workers' compensation, general liability insurance, automobile insurance and false arrest insurance in the amounts to be determined by the Board, required by State law.

(c) Special Street Patrol Officers.

(1) **Registration.** Each special officer must be currently registered with the Bureau of Collection and Investigation Services of the State of California as required by Section 7514(f) of the Business and Professions Code of the State of California. The private patrol service will be responsible for each special officer to be registered and to carry proof thereof at all times while on duty. If at any time a special officer while on duty for such a private patrol service cannot produce a temporary or permanent State registration when requested by a City police officer, the private patrol service may be subject to suspension or revocation of its Police permit privilege to operate within the City.

*(1) **Permit.** It shall be unlawful for any person to perform the duties of a street patrol officer in the City of Los Angeles without first obtaining a Guard Registration card as required by the State of California and a permit from the City.*

(2) **Permit.** (Amended in Entirety, Ord. No. 158,407, Eff. 11/20/83.)

A. Any employee, or any officer or member or associate of a private patrol service who performs the service of a Guard, Watchman, Patrolman or other private patrol function whose duties involve patrolling from one location to another by City streets must possess a valid Special Officer's permit at all times as issued by the Police Commission.

*(2) **Requirements for Permit.** The following requirements must be met to obtain a permit to perform the duties of a street patrol officer in the City.*

*A. **Registration.** A registration form shall be filed with the Permit Section of the City Clerk's Office on forms supplied by the City. The registration form shall be signed and verified by the registrant and shall state his name, address and the name and address of the private patrol service by whom he is employed.*

*B. **State Registration Card.** The registration form for a street patrol officer permit must be accompanied by a photostatic or certified copy of his State of California Guard Registration card evidencing compliance with the State laws relating to the occupation of a street patrol officer.*

B. In addition to or in lieu of a Board-issued temporary permit authorized by Section 103.06(b), a temporary permit not to exceed 45 days may be issued to an applicant by the Secretary of the Board provided the following condition are met:

a. An application for permit is on file at the main office of the City Clerk and all permit fees have been paid; and

b. A preliminary investigation by Commission staff does not reveal information which would normally constitute grounds for denial; and

c. The applicant possesses a valid permanent or temporary California State Guard Registration Card, and State Firearms Permit, if the applicant intends to carry a firearm; and

d. The applicant possess a valid California Driver's License.

The Secretary of the Board may suspend such temporary permit at any time if the Secretary

has reason to believe that any of the above conditions have not been met. The Secretary shall notify the applicant in writing of the reasons for any such suspension, and the application for a permanent permit shall continue to be processed according to provisions of this code and any applicable rules and regulations of the Board.

(3)(d) Uniform, Equipment, Badges, Insignia.

A. (1) General. No Any badge, insignia, patch or uniform shall be used or worn by any employee, officer, member or associate of a private patrol service, while on duty for said patrol service, shall be in compliance with State law. Any such badge, insignia, patch or uniform shall not be which is of such a design as to be mistaken for an official badge, insignia or uniform worn by a law enforcement officer of the City of Los Angeles or any other law enforcement agency with jurisdiction in the city. any city, county, or state agency within its jurisdiction. The applicant or permittee shall submit to the Board of Police Commissioners a sample of the insignia intended to be used in the conduct of the private patrol service involved. The Board of Police Commissioners shall approve the color of the proposed uniform and shall issue upon payment therefore a form of badge, which shall not contain the word "police". While engaged in the performance of duties, a special officer shall wear and display the badge issued pursuant to this section and insignia on the outside of his or her uniform in a clearly visible manner. Badges issued pursuant to this section shall not be altered, modified or defaced or be used, worn, or displayed in such condition. Any badge issued hereunder which is in need of repair or replacement or otherwise not authorized for use shall be immediately returned and delivered to the Board of Police Commissioners or its representative. It shall be unlawful for anyone other than a permittee hereunder to use, wear or display a badge issued pursuant to this section. No insignia shall be worn if the sample thereof submitted to the Board of Police commissioners has been determined by the Board to be in violation of this section.

(2) Uniforms. *The Private Patrol Service shall submit to the Board of Police Commissioners a sample or color photograph of the proposed uniform for approval by the Board to ensure that it does not resemble a uniform of any law enforcement agency with jurisdiction in the City. No uniform shall be worn if the sample thereof submitted to the Board has been determined to be in violation of subsection (d)(1).*

B. The Board of Police Commissioners shall specify the police type equipment, including weapons and ammunition, which a special officer may carry while on duty, and it shall be unlawful for a special officer to carry, wear, or to use any such equipment, including weapons and ammunition, while on duty if such is of a type not previously approved by the Board of Police Commissioners for said officer.

The use of any firearm and ammunition, by a special officer, shall be of a brand name, model and caliber as approved by the Board of Police Commissioners or its agent.

No special officer shall carry any firearms in the performance of his or her duties unless he or she has completed the course of training specified in Section 7514.1 of the Business and Professions Code of the State of California.

(3) Equipment, Weapons, Ammunition. *The Board of Police Commissioners shall specify the police type equipment, including weapons and ammunition, which a street patrol officer may carry while on duty, and it shall be unlawful for a street patrol officer to carry, wear, or use any equipment, weapons or ammunition, while on duty if such is of a type not previously approved by the Board of Police Commissioners. Firearms and ammunition used by street patrol officers shall be of a brand name, model and caliber approved by the Board of Police of Police Commissioners. No street patrol officer shall carry any firearm in the performance of his duties unless he possesses a valid firearm qualification card issued by the State for said firearm.*

(d) (e) Motor Vehicles. The Board of Police Commissioners or its agent shall approve the type or character of identification markings or insignia required hereunder to be placed on any motor vehicle used in the operation of any private patrol service. *Each vehicle used for the purpose of patrolling shall have the State Private Patrol Operator license number in three inch letters and numerals in the following places: on the lower outside portion of the driver's door; on the lower outside portion of the passenger's door on the right side of the vehicle; and on the outside rear section of the vehicle. The letters and numerals shall be clearly visible and readable from a distance of fifty feet and shall be permanently affixed to the vehicle. A private patrol operator service shall not use or permit to be used for purposes of patrolling, any vehicle which is not marked and identifiable with approved markings or insignia in accordance herewith. and with rules and regulations adopted by the Board of Police Commissioners. No vehicle used by a private patrol service shall be equipped with a red light, siren, or be painted in a manner similar to a police vehicle of the City of Los Angeles or other law enforcement agency with jurisdiction in the City. The private patrol service shall submit to the Board of Police Commissioners a color photograph of the proposed vehicles showing compliance with this subsection.*

(e) (f) Reports to Police. *Every private patrol service operator and every special street patrol officer shall immediately make a report to the Police Department and to the Board of Police Commissioners of any felonies, high-grade misdemeanors or violation of the Los Angeles Municipal Code, or State or federal law which comes to his attention. , with the exception of minor traffic offenses. The private patrol service shall also immediately report to the Police Department any weapon discharge or arrest made within the City, by any employee, officer member, or associate of the private patrol service.*

(g) Employees. *The private patrol service will be responsible for each street patrol officer to be registered with the State and to carry proof thereof at all times while on duty. A Street Patrol Officer in connection with his duties, upon request by a law enforcement officer, shall identify himself as a Street Patrol Officer and shall give his name and employer's name. At no time shall a Street Patrol Officer conduct himself by word or manner as to lead others to believe that he possesses the power to enforce Traffic Regulations or to issue Traffic Citations, and he shall not interfere with or attempt to influence the lawful business of any person.*

(f) (h) Authority to Make Rules and Regulations. *The Board of Police Commissioners shall have the authority to make rules and regulations not inconsistent with State law or this chapter concerning private patrol services and special private patrol officers.*

(g) (i) **Permits; Nontransferable.** Permits issued under this article are not transferable. This section shall not be construed to prohibit the owner of a private patrol service from selling, assigning or transferring such service, however any new owner, transferee, or assignee shall be required to qualify under this article before commencing operations or carrying on business as a private patrol service.

(j) **Suspension/Revocation.** *Violation of any provision of this ordinance, any of the rules promulgated by the Board of Police Commissioners, or of any State or local law in connection with the operation of a Private Patrol Service, may be cause for suspension and/or revocation of the permit held by the Private Patrol Service.*

(h) (k) **Licenses and Fees Permits Not Exclusive.** ~~Fees and~~ Permits required by this article shall be in addition to any license, ~~or permit or fee~~ required under any other chapter of this code.

**RULES AND REGULATIONS GOVERNING
PRIVATE PATROL SERVICES**
(IN ADDITION TO STATE LAWS AND CITY ORDINANCES)

1. **Address/Telephone:** Each Private Patrol Service permittee shall have and maintain a business address and/or emergency telephone number where a company representative is immediately available to members of the Los Angeles Police Department on a 24-hour per day basis.
2. **Advertisements:** No advertisement of any kind shall in any way imply that the Private Patrol Service is a part of the Los Angeles Police Department or any other law enforcement agency, or under contract or in any other way connected therewith.
3. **Uniforms:** All members of a Private Patrol Service shall be in full uniform at all times when performing any duty or service incidental to the operation of the Private Patrol Service unless prior notification is given to the Los Angeles Police Department Area Watch Commander.
4. **Employee Addresses:** Employee address changes shall be maintained by the permittee and shall be subject to inspection by the Board or its agent.
5. **Inspections:** Each holder of a Private Patrol Service permit shall hold inspections at least monthly of all uniforms, required identification cards, badges, equipment, ammunition, and weapons. Records of inspections shall be maintained for a period of one year and shall be made available to the Commission or their agent upon request.
6. **Employee Lists:** All Private Patrol Services shall prepare and deliver an employee list to the Board twice a year. The employee list shall be received by the Board no later than January 10th and July 10th of each calendar year. The employee list shall include the employee's name, State Guard Registration card number and any other State required certifications (i.e., firearms, baton, chemical agents, etc.)
7. **Complaints:** The Private Patrol Service shall forward copies of all complaints regarding the activities of itself or his agents. These complaints shall be investigated by members of the Los Angeles Police Department and shall be subject to review by the Board of Police Commissioners.
8. **Rules:** Each holder of a Private Patrol Service permit shall keep a copy of these rules and a copy of the City ordinance regulating Private Patrol Services and Street Patrol Officers at the main place of business of said service and shall make the copies available for review upon request.
9. **Severability:** A Board rule which is ruled to be invalid by a Court of competent jurisdiction shall not invalidate the remaining Board Rules.

Adopted by the Board of Police Commissioners at a regular meeting of December 11, 1975. Amended _____ (date) _____, 2000.

(3)

Continued from meeting of 11-15-99
99-0355 City Attorney reports relative to draft ordinance amending the Los Angeles Municipal Code Section 52.34 for private patrol services and officers operating in Business Improvement Districts and permit fees, pursuant to Motion (Chick - Alatorre - Hernandez). (Approved by the Police Commission on 2-22-00)

Fiscal Impact Statement Submitted: No

DISPOSITION

CONS FOR 30 DAYS

(4)

00-0159 City Administrative Officer report and communication from the Mayor relative to FY 1999/00 Juvenile Justice Delinquency Prevention Program, Planning and Administration Program Reapplication for continuation funding. (Also referred to the Personnel and Budget and Finance Committees)

Fiscal Impact Statement Submitted: Yes, by CAO

DISPOSITION

(5)

00-0187 City Administrative Officer to report relative to the Police Department accepting a SMART Model I Trailer donated by Police and Community Together for use by the West Los Angeles Community Police Station.

Fiscal Impact Statement Submitted: No

DISPOSITION

(6)

99-2381 Police Department report relative to efforts to address the traffic problems at the "worst" intersections in the City, pursuant to Motion (Chick - Miscikowski). (Also referred to the Transportation Committee)

Fiscal Impact Statement Submitted: No

DISPOSITION

PUBLIC SAFETY COMMITTEE
*** Special Meeting ***
Monday - February 28, 2000